

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.31486 of 2016

And

W.M.P.No.27317 of 2016

N.Tamil Selvi

... Petitioner

Vs.

- 1 The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
 - 2 The Joint Director of Elementary Education (Personnel),
O/o.Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
 - 3 The Chief Educational Officer,
Pudukottai District,
Pudukottai.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1 to 2 respondents to include the name of the petitioner in the panel for promotion to the post of B.T.Assistant (History) for the year 2016, in the appropriate place based on her seniority and consequently promote the petitioner to the post of B.T. Assistant (History) in accordance with her seniority with all consequential and other attendant benefits, within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.N.Srinivasan
Additional Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents 1 and 2 to include the name of the petitioner in the panel for promotion to the post of B.T.Assistant (History) for the year 2016, in the appropriate place, based on her seniority and consequently, to promote the petitioner to the post of B.T.Assistant (History) in accordance with her seniority, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

3.In the affidavit filed in support of this writ petition it has been stated that the petitioner was appointed as a Special Teacher as Sewing Mistress in the School Education on 31.01.2002 through Employment Exchange and her services have been regularized from the date of appointment. The petitioner is qualified with B.Lit in the year 2005 and thereafter, she acquired M.A.(Tamil) from Annamalai University in the year 2007 and she joined B.A.(History) in the year 2008-2009 and completed the same from Annamalai University in

May, 2011. She also joined B.Ed. in Indira Gandhi National Open University (IGNOU) in the year 2009-2010 and completed the degree in December, 2011 and accordingly, she is eligible for promotion to the post of B.T.Assistant.

4.It is further stated that she is eligible to be considered for promotion to the post of B.T.Assistant (History), but her name was not included in the panel for promotion to the post of B.T.Assistant (History) as on 01.01.2016 and on enquiry, she came to know that her name is not included in the panel, since she has studied B.Ed. simultaneously along with B.A.(History), but the fact remains that the petitioner has written B.A. Degree Examination in May, 2011 and B.Ed. Degree Examination in December, 2011.

5.It is further stated that orders have been passed by this Court in this regard, holding that the degree acquired through correspondence course simultaneously cannot be held to be invalid for the purpose of appointment for promotion. Hence, the petitioner is entitled for promotion to the post of B.T.Assistant (History), but the respondents have proceeded to conduct counselling for promotion to the post of B.T.Assistant (History) overlooking the petitioner's seniority. Hence, this petition.

6. When the matter is taken up for consideration, the learned counsel appearing for the petitioner produced a copy of the order dated 24.06.2016, passed by the Division Bench of this Court in W.A.No.1098 of 2012 and M.P.No.1 of 2012 and submitted that the petitioner has already submitted a representation dated 19.08.2016 to the first respondent and it would suffice, if a direction is given to consider the said representation, in the light of the order dated 24.06.2016, passed by the Division Bench of this Court in W.A.No.1098 of 2012 and M.P.No.1 of 2012.

7. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

8. Considering the submissions made on either side, this Court without going into the merits of the claim projected by the petitioner, directs the petitioner to give a fresh representation to the respondents, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order and the respondents on receipt of the same, is directed to consider the said representation, with regard to the inclusion of her name in the panel

for promotion to the post of B.T.Assistant (History) as on 01.01.2016, in the light of the order dated 24.06.2016, passed by the Division Bench of this Court in W.A.No.1098 of 2012 and M.P.No.1 of 2012 and pass appropriate orders, on merits and in accordance with law, within a further period of four weeks thereafter.

9.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

09.09.2016

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Index: Yes/ No

Internet: Yes/ No

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R.SUBBIAH,J.

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